

The Law on Metrology
(The Pyidaungsu Hluttaw Law No. / 20 - -)
(/ /20 - -)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the Law on Metrology.
2. The Law shall regulate a uniform system of weights and measures in the Republic of the Union of Myanmar.
3. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Government** means the Union Government of the Republic of the Union of Myanmar.
 - (b) **Ministry** means the Ministry of Science and Technology.
 - (c) **Department** means the department assigned by the Ministry to implement the metrology activities.
 - (d) **Division** means the division assigned by the Department to implement the metrology activities.
 - (e) **Council** means the National Metrology Council that is established by this Law.
 - (f) **Director General** means the Director General of the Department.
 - (g) **Legal metrology official** means a person assigned by National Metrology Institute to implement the legal metrology activities.
 - (h) **Metrology** is the science of measurement and its application, and includes all theoretical and practical aspects of measurement.
 - (i) **International measurement standard** (etalon) is a measurement standard established and maintained by the International Bureau of Weights and Measures (BIPM).
 - (j) **Measuring instrument** is a device used for making measurements, alone or in conjunction with one or more supplementary devices, being a measuring system.
 - (k) **Calibration** is a set of operation that establishes a relation between the quantity values with measurement uncertainties provided by measurement standards and corresponding indications with associated measurement uncertainties.

- (l) **Traceability** is a property of the result of a measurement or the value of a standard, whereby the result and standard can be related to international or national standards through unbroken chain of calibrations.
 - (m) **Verification** is a set of operation to assess whether values given by measuring instrument are within the acceptable tolerances specified in a technical regulation.
 - (n) **Prepackaged goods** are the product which has been packaged without the purchaser being present and where the quantity of the product contained in the package cannot be altered without the package either being opened or undergoing a modification.
 - (o) **Type evaluation** is the conformity assessment procedure on one or more specimens of an identified type of measuring instruments.
 - (p) **Measurement standard** (etalon) is the realization of the definition of a given quantity, with stated quantity value and associated measurement uncertainty used as a reference.
 - (q) **Market surveillance** is the inspection of measuring instruments or pre-packaged goods bearing the required marks and placed on the market only after all the requirements of conformity assessment have been met.
4. For terms and definitions not mentioned in Section 3, the definitions given in the International Vocabulary on Metrology (VIM) and in the International Vocabulary on Legal Metrology (VIML) shall apply.

Chapter II

Objectives

5. The objectives of the Law are as follows:
- (a) to enable transparency, harmonization, accuracy, and equity among all relevant stakeholders including the Government involved in trade, transactions, and the supply of services;
 - (b) to support industrial growth by providing metrology services to private and relevant Government organizations;
 - (c) to protect the national interests and legal rights of individuals and organizations;
 - (d) to support the national economy in raising the quality of goods and services; and,

- (e) to create the favorable conditions for fair trade at the national and international level.

Chapter III

National Metrology Council

- 6. (a) The Government shall form the National Metrology Council in which not more than twelve members to include the following:
 - (1) A person assigned by the Government Chairman
 - (2) Representatives from Ministries and Member
Experts in metrology
 - (3) Representatives from non-governmental Member
organizations in trade and commerce
 - (4) Director General or his/her representative Secretary
- (b) The Council has the authority to establish committees and sub-committees deemed necessary.
- (c) The Government may structure and amend the Council formed under Sub-section (a) as may be necessary.
- 7. The functions and duties of the Council are as follows:
 - (a) studying the needs and priorities of the country for metrology and making recommendations to the Government;
 - (b) coordinating the actions of the various ministries related to metrological issues in order to ensure consistency;
 - (c) developing a National Metrology Policy in cooperation with all concerned ministerial departments; and
 - (d) ensuring that laws and regulations on metrology are in accordance with relevant international agreements.
- 8. The Council-
 - (a) may authorize the Department to carry out the functions and duties described in Section 7 as needed.
 - (b) shall have the authority to make the administrative decision of the disputes arisen between a legal metrology official and any other person.

Chapter IV

National Metrology Institute

9. The National Metrology Institute is established within the Department to carry out scientific and industrial metrology, and legal metrology activities. The institute shall include the Division of Scientific and Industrial Metrology and the Division of Legal Metrology.

10. The functions and duties of the Division of Scientific and Industrial Metrology are as follows:

- (a) establishing, maintaining and continuously improving the national measurement system of units and the national measurement standards in accordance with the country's needs, and to ensure participation in the corresponding international activities;
- (b) establishing and maintaining traceability to the SI;
- (c) disseminating the legal units of measurements to provide traceability to the national measurement standards for industry and other ministries;
- (d) carrying out research work on the improvement of national measurement system;
- (e) providing the necessary advice and supporting to the government, industry, commerce and the public on metrological issues;
- (f) providing calibration services to industry and other ministries;
- (g) providing a sound metrological basis to the national accreditation system; and
- (h) providing education, training and consultancy on metrology as required in the country.

11. The functions and duties of the Division of Legal Metrology are as follows:

- (a) protection of all participants in the market for goods and services by ensuring equity and correctness in all trade;
- (b) conducting surveillance inspections at all levels (manufacturer, importer, distributor and retailer) in the market to ensure that consumers receive fair measurement and that legal requirements are met;
- (c) carrying out type evaluation activities in legal metrology, or designating supervising bodies for this function;
- (d) establishing legal requirements for metrology;
- (e) establishing conformity assessment for measuring instruments, products and activities regulated by the law or regulations; and

- (f) supervision of measuring instruments, products and activities regulated by the law or regulations.

Chapter V

Legal Units of Measurement

12. The legal units of measurement in the Republic of the Union of Myanmar are as follows:

- (a) International System of Units (SI), adopted by the General Conference of Weights and Measures;
- (b) units used for quantities that are not covered by the SI, as specified by a rule or regulation;
- (c) customary units which are required for particular applications, as specified by a rules or regulation.

13. The use of units other than legal units may be accepted in applications for which international conventions, agreements or treaties prescribe those specific units that Myanmar is a participant.

Chapter VI

System of Measurement Standards

14. The system of measurement standards of the Republic of the Union of Myanmar is as follows:

- (a) **Primary Measurement Standards** or National Measurement Standards independently realize the legal units; they are regularly compared with other national primary measurement standards. The national measurement standards shall in all cases be measurement standards with the highest accuracy in the Union.
- (b) **Secondary Measurement Standards** are measurement standards established through calibration with respect to a primary measurement standard for a quantity of the same kind.
- (c) **Working Measurement Standards** are measurement standards for calibration equipment and measuring instruments in general use and calibrated against secondary measurement standards.

Chapter VII

Basic Principles of Regulations

Measuring Instruments

15. The regulations shall be made-
- (a) to set up metrological requirements and legal control provisions applicable to measuring instruments.
 - (b) to comply with International Organization of Legal Metrology (OIML) procedures and the international standards.

Measurements

16. The regulations shall be made-
- (a) to define quantities to be referred to in legal transactions for various methods of sale, to prescribe that certain measurements are to be the basis of transactions or law enforcement activities, and to define the list of measurements subject to legal metrological requirements.
 - (b) to define the metrological requirements and the legal control provisions applicable to these measurements in order to ensure confidence in the measurement results.

Prepackaged Goods

17. The regulations shall be made-
- (a) to set up metrological requirements and legal control provisions applicable to the quantity of product in prepackages offered or presented for sale or sold.
 - (b) to follow the requirements stated in OIML D1 and international standards related to prepackage goods.

Chapter VIII

Conformity Assessment Bodies for Legal Metrology

18. The Department shall recognize competent bodies or persons to perform conformity assessment tasks in application of legal metrology regulations. These bodies shall be competent and impartial. They shall perform their tasks in a non-discriminatory manner.
19. The conformity assessment recognized bodies shall comply with the provisions of Articles 5 and 6 of the WTO/TBT Agreement, with the exception of the obligation to notify proposed conformity assessment procedures.

20. The Department will recognize competent conformity assessment bodies of foreign countries that participate in international or regional Mutual Recognition Arrangements.

Chapter IX

Market Surveillance

21. Market surveillance is the inspection of measuring instruments and pre-packaged goods on the market and service that:

- (a) are labelled in the required language and in the correct position;
- (b) have undergone metrological control in the form of conformity assessment, type approval and initial verification as required; and,
- (c) comply with relevant laws, rules and regulations.

Chapter X

Responsibilities and Authorities of Legal Metrology Official

22. The legal metrology official is charged with performing the following functions:

- (a) assuring that weights and measures in commercial services within the Union are suitable for their intended use, properly installed, and accurate, and are so maintained by their owner or user;
- (b) preventing unfair or deceptive dealings by weight or measure in any commodity or service advertised, packaged, sold, or purchased within the Republic of the Union of Myanmar;
- (c) promoting uniformity to the extent practicable and desirable, between weight and measure requirements among other agencies;
- (d) maintaining legal control on prepackages;
- (e) performing verification and inspection of measuring instruments subject to legal control;
- (f) affixing rejection marks and/or remove conformity marking; and
- (g) performing surveillance on the bodies appointed.

23. The legal metrology officials, upon presentation of their credentials and in the discharge of their duties, shall-

- (a) have access to all industrial establishments, commercial premises or vehicles where measuring equipment subject to legal control is installed, maintained or used, or where prepackages are filled, labeled, kept or offered for sale.

- (b) be empowered in line with national judicial procedures to issue stop-use, hold, and removal orders with respect to any measuring instruments subject to legal control that are not in compliance with this Law.
- (c) be empowered according to national judicial procedures to seize without formal warrant for use as evidence any measuring instrument, package, or commodity found to be used, retained or offered for sale or sold in violation of the legal metrology requirements.

Chapter XI

Dispute Resolution

24. The Director General or his/her designate shall carry out the following enforcements to individuals or organizations who do not conform with applicable laws or regulations:

- (a) instruction;
- (b) warning;
- (c) seizure;
- (d) removal from service;
- (e) civil penalty;
- (f) prosecution.

25. If any dispute arises between a legal metrology official and any other person as to the meaning or construction of any regulation stipulated by this Law, such dispute shall be determined by the Director General first, and then as necessary may appeal to the Council within 60 working days. The administrative decision made by the Council shall be final and conclusive.

26. In the event that a dispute on metrology is international, a dispute shall be remedied under either domestic law, an existing contract, or under international agreements and treaties to which the Republic of the Union of Myanmar is a party.

Chapter XII

Offences

27. Any activities described in the following which contradict to any regulation stipulated by this Law or by related mandatory requirements referred to in this Law, shall be offences.

- (a) Fraud or intended fraud in connection with measurements;
- (b) Impersonating a legal metrology official;

- (c) Using measurement units not legalized by Section 12;
- (d) Using measuring instruments used in legal metrology which have not been submitted to the legal control;
- (e) Being not to comply with obligations to keep records;
- (f) Affixing false conformity markings or affixing conformity markings illegally on measuring instruments;

Chapter XIII

General Provisions

- 28. The Department shall bear the expense and do office works of the Council.
- 29. Fees for activities conducted in accordance with this law are prescribed by the Department.
- 30. Existing rules, regulations, by-laws, notifications, orders, directives and procedures before the commencement of this Law shall remain in operation in so far as they are not contrary to this Law until and unless they are repealed or amended.
- 31. In implementing the provisions of this Law:
 - (a) the Ministry shall issue rules, regulations and by-laws deemed necessary.
 - (b) the Department shall issue notifications, orders, directives and procedures deemed necessary.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

sd/ - - -

President

Republic of the Union of Myanmar